

**District of Massachusetts, Boston Division**

**AMENDED CHAPTER 13 PLAN**

Filing Date: \_\_\_\_\_ Docket #: \_\_\_\_\_

Debtor: **Pacheco, Joseph L.** Co-Debtor: \_\_\_\_\_

SS#: **4127** SS#: \_\_\_\_\_

Address: **6 Crapo St** Address: \_\_\_\_\_

**New Bedford, MA 02740-4724** , \_\_\_\_\_

\_\_\_\_\_

Debtor's Counsel:

**Benner & Weinkauf, P.C.**  
**33 Samoset St**  
**Plymouth, MA 02360-4551**

**(508) 746-8030**

**(866) 227-4592**

ATTACHED TO THIS COVER SHEET IS THE CHAPTER 13 PLAN FILED BY THE DEBTOR(S) IN THIS CASE. THIS PLAN SETS OUT THE PROPOSED TREATMENT OF THE CLAIMS OF CREDITORS. THE CLAIMS ARE SET FORTH IN THE BANKRUPTCY SCHEDULES FILED BY DEBTOR(S) WITH THE BANKRUPTCY COURT.

YOU WILL RECEIVE A SEPARATE NOTICE FROM THE BANKRUPTCY COURT OF THE SCHEDULED CREDITORS MEETING PURSUANT TO 11 U.S.C. § 341. THAT NOTICE WILL ALSO ESTABLISH THE BAR DATE FOR FILING PROOFS OF CLAIMS.

PURSUANT TO THE MASSACHUSETTS LOCAL BANKRUPTCY RULES, YOU HAVE UNTIL THIRTY (30) DAYS AFTER THE § 341 MEETING OR THIRTY (30) DAYS AFTER THE SERVICE OF AN AMENDED OR MODIFIED PLAN TO FILE AN OBJECTION TO CONFIRMATION OF THE CHAPTER 13 PLAN, WHICH OBJECTION MUST BE SERVED ON THE DEBTOR, DEBTOR'S COUNSEL AND THE CHAPTER 13 TRUSTEE.

**District of Massachusetts, Boston Division**

**AMENDED CHAPTER 13 PLAN**

Docket No.:

DEBTOR(S): (H) Pacheco, Joseph L. SS# 4127  
(W) \_\_\_\_\_ SS# \_\_\_\_\_

**I. PLAN PAYMENT AND TERM:**

Debtor(s) shall pay monthly to the Trustee the sum of \$ 608.00 for the term of:

- ☐ 36 Months. 11 U.S.C. § 1325(b)(4)(A)(i);  
☒ 60 Months. 11 U.S.C. § 1325(b)(4)(A)(ii);  
☐ 60 Months. 11 U.S.C. § 1322(d)(2). Debtor avers the following cause:  
☐ \_\_\_\_\_Months. The Debtor states as reasons therefore:

**II. SECURED CLAIMS:**

A. Claims to be paid through the plan (including arrears):

Creditor	Description of Claim (pre-petition arrears, purchase money, etc.)	Amount of Claim
<b>Ditech Financial LLC</b>	<b>6 Crapo St, New Bedford, MA 02740-4724</b>	<b>28,604.00</b>
Total of secured claims to be paid through the Plan: \$		<b><u>28,604.00</u></b>

B. Claims to be paid directly to creditors (not through plan):

Creditor	Description of Claim
<b>Ditech Financial LLC</b>	<b>6 Crapo St, New Bedford, MA 02740-4724</b>

C. Modifications of Secured Claims:

Creditor	Details of Modification (Additional details may be attached)	Amt. of Claim to Be Paid Through Plan
<b>None</b>		

D. Leases:

i. The Debtor(s) intend(s) to reject the residential/personal property lease claims of:

None

ii. The Debtor(s) intend(s) to assume the residential/personal property lease claims of :

None

iii. The arrears under the lease to be paid under the Plan are\_\_\_\_\_.

### III. PRIORITY CLAIMS:

#### A. Domestic Support Obligations:

Creditor	Description of Claim	Amount of Claim
None		

#### B. Other:

Creditor	Description of Claim	Amount of Claim
None		

Total of Priority Claims to Be Paid Through the Plan: \$ 0.00

### IV. ADMINISTRATIVE CLAIMS:

A. Attorneys fees (to be paid through the Plan): \$ 4,000.00.

#### B. Miscellaneous fees:

Creditor	Description of Claim	Amount of Claim
None		

C. The Chapter 13 Trustee's fee is determined by Order of the United States Attorney General. The calculation of the Plan payment set forth utilizes a 10% Trustee's commission.

### V. UNSECURED CLAIMS:

The general unsecured creditors shall receive a dividend of 0.00% of their claims.

A. General unsecured claims: \$ 7,669.00

#### B. Undersecured claims arising after lien avoidance/cramdown:

Creditor	Description of Claim	Amount of Claim
None		

C. Non-Dischargeable Unsecured Claims:

Creditor	Description of Claim	Amount of Claim
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Total of A + B + C unsecured claims: \$ 7,669.00

D. Multiply total by percentage: \$ 0.00.

(Example: total of \$38,500.00 x .22 dividend = \$8,470.00)

E. Separately classified unsecured claims (co-borrower, etc.):

Creditor	Description of Claim	Amount of Claim
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**None**

Total amount of separately classified claims payable at 100 %: \$ 0.00

**VI. OTHER PROVISIONS:**

A. Liquidation of assets to be used to fund Plan:

B. Miscellaneous provisions:

**\*Only creditors filing timely proofs of claim shall be paid through the plan.**

**VII. CALCULATION OF PLAN PAYMENT:**

A. Secured claims (Section I-A Total):	\$ <u>28,604.00</u>
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B. Priority claims (Section II-A & B Total):	\$ <u>0.00</u>
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C. Administrative claims (Section III-A & B Total):	\$ <u>4,000.00</u>
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D. Regular unsecured claims (Section IV-D Total): +	\$ <u>0.00</u>
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E. Separately classified unsecured claims:	\$ <u>0.00</u>
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F. Total of a + b + c + d + e above:	\$ <u>32,604.00</u>
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G. Divide (f) by .90 for total including Trustee's fee: Cost of Plan:	\$ <u>36,227.00</u>
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(This represents the total amount to be paid into the Chapter 13 Plan)

H. Subtract total amount Debtor has paid to the Trustee to date:	\$ <u>993.00</u>
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I. Total amount left to be paid	\$ <u>35,234.00</u>
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J. Divide (G), by # of months remaining 58 months

K. Round up to nearest dollar: Amended Monthly Plan Payment:	\$ <u>608.00</u>
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(Enter this amount on Page 1)

**Amended Monthly Plan Payment to begin August 2017**

Pursuant to 11 U.S.C. §1326(a)(1) unless the Court orders otherwise, debtor shall commence making the payments proposed by a plan within thirty (30) days after the petition is filed. Pursuant to 11 U.S.C. §1326(a)(1)(C), the debtor shall make preconfirmation adequate protection payments directly to the secured creditor.

**VIII. LIQUIDATION ANALYSIS**

A. Real Estate:

Address  
**6 Crapo St, New Bedford, MA 02740-4724**

Fair Market Value  
**175,000.00**

Total Amount of Recorded Liens  
 (Schedule D)  
**261,002.00**

Total Net Equity for Real Property: \$ **0.00**  
 Less Total Exemptions (Schedule C): \$ **0.00**  
 Available Chapter 7: \$ **0.00**

**B. Automobile**

Describe year, make and model	Value	Lien	Exemption
<b>1985 GMC Jimmy</b>	<b>750.00</b>	<b>0.00</b>	<b>750.00</b>
<b>2004 GMC Envoy SLT 4WD 4dr SUV (4.2L 6cyl 4A)</b>	<b>4,653.00</b>	<b>0.00</b>	<b>4,653.00</b>

Total Net Equity: \$ **5,403.00**  
 Less Total Exemptions (Schedule C): \$ **5,403.00**  
 Available Chapter 7: \$ **0.00**

**C. All Other Assets (All remaining items on Schedule B): (Itemize as necessary)**

Total Net Value: \$ **9,150.00**  
 Less Exemptions (Schedule C): \$ **9,150.00**  
 Available Chapter 7: \$ **0.00**

**D. Summary of Liquidation Analysis (total amount available under Chapter 7):**

Net Equity (A and B) plus Other Assets (C) less all claimed exemptions: \$ **0.00**.

**E. Additional Comments regarding Liquidation Analysis:**

**IX. SIGNATURES**

Pursuant to the Chapter 13 rules, the debtor or his or her attorney is required to serve a copy of the Plan upon the Chapter 13 Trustee, all creditors and interested parties, and to file a Certificate of Service accordingly.

/s/ Thomas Benner  
 Debtor's Attorney

August 2, 2017  
 Date

Attorney's Address:  
**Benner & Weinkauff, P.C.**  
**33 Samoset St**  
**Plymouth, MA 02360-4551**

Tel. # **(508) 746-8030** \_\_\_\_\_

Email Address: **tbenner@tbennerlaw.com** \_\_\_\_\_

**I/WE DECLARE UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING REPRESENTATIONS OF FACT ARE TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.**

**/s/ Joseph L. Pacheco**  
Debtor

**August 2, 2017**  
Date

\_\_\_\_\_  
Debtor

\_\_\_\_\_  
Date

CERTIFICATE OF SERVICE

I, Thomas C. Benner, certify that on August 2, 2017 a true and accurate copy of the foregoing Amende Chapter 13 Plan was served on the following parties via first class mail, postage pre-paid or electronically.

By electronic mail using Court's CM/ECF system:

John Fitzgerald, Esq., Office of the United States Trustee  
Carolyn Bankowski, Esq., Chapter 13 Trustee

By regular mail, postage prepaid:

Joseph Pacheco

6 Crapo Street

New Bedford, MA 02740See

attached list.

/s/ Thomas C. Benner

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Discover Products Inc  
PO Box 3025  
New Albany, OH 43054-3025

Discover Fin Svcs LLC  
PO Box 15316  
Wilmington, DE 19850-5316

Calvary Portfolio Services  
PO Box 27288  
Tempe, AZ 85285-7288

Ditech Financial LLC fka Green Tree Servicing  
P.O. Box 6154  
Rapid City, South Dakota 57709-6154

Lustig, Glaser & Wilson PC  
PO Box 549287  
Waltham, MA 02454-9287

(c)DITECH FINANCIAL LLC  
332 MINNESOTA ST STE E610  
SAINT PAUL MN 55101-1311

(p)PORTFOLIO RECOVERY ASSOCIATES LLC  
PO BOX 41067  
NORFOLK VA 23541-1067

Steward Medical Group, Inc.  
PO Box 14000  
Belfast, ME 04915-4033

Orlans PC  
PO Box 540540  
Waltham, MA 02454-0540

Portfolio Recovery Associates LLC  
130 Corporate Blvd  
Norfolk, VA 23502-4952

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Saint Paul, MN 55101-7707